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Attorneys for Teck Cominco Alaska Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS, )  
ANDREW KOENIG, JERRY NORTON, )  
DAVID SWAN, JOSEPH SWAN, )  
Plaintiffs, )

vs. )

TECK COMINCO ALASKA )  
INCORPORATED, )  
Defendant, )

NANA REGIONAL CORPORATION, and )  
NORTHWEST ARCTIC BOROUGH, )  
Intervenor-Defendants. )

Case No.: A04-00049 CV(JWS)

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AFFIDAVIT OF MARK THOMPSON

I, Mark Thompson, being first duly sworn, state under oath as follows:

1. I have personal knowledge of the facts set out in this affidavit. I am a Senior Environmental Coordinator at the Red Dog Mine for Teck Cominco

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*Adams v. Teck Cominco Alaska, A04-00049 CV (JWS)*

Alaska, Inc. (Teck Cominco). I have been employed at the Red Dog Mine since November 1999. My duties include overseeing Teck Cominco's application for renewal of the National Pollution Discharge Elimination System (NPDES) Permit AK-003865-2 issued by the U.S. Environmental Protection Agency (EPA) authorizing the discharge of treated water from the Red Dog Mine water treatment plant. My duties also include overseeing studies and compiling other information to be provided to the State of Alaska, Department of Environmental Conservation (ADEC), and EPA in support of ADEC's authorization of a site-specific criterion (SSC) for total dissolved solids (TDS) for the Main Stem Red Dog Creek during the grayling spawning period.

2. EPA issued NPDES permit AK-003865-2 for the Red Dog Mine water treatment plant with an effective date of August 28, 1998 and an expiration date of August 8, 2003. The 1998 NPDES permit was modified in 2003 to make changes in the TDS limits in the permit. An appeal of portions of the 1998 NPDES permit to the EPA Environmental Appeals Board resulted in the remand of the 2003 modified NPDES permit, but only as to the TDS limits during the grayling spawning period.

3. With oversight from ADEC and EPA, Teck Cominco funded field and laboratory work in 2004 and 2005 examining the potential effects of TDS on grayling spawning. The results of these studies were provided to ADEC and

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EPA. ADEC proposed a SSC of 1500 mg/L TDS during the grayling spawning period in Main Stem Red Dog Creek. This proposed change in Alaska's state water quality standards went through public review and comment and was finalized by the State. It has been incorporated into the state's water quality regulations. EPA approved the SSC as a change in State water quality standards. Attached as Attachment A to my affidavit is a true and correct copy of the letter from EPA approving this change.

4. Attached as Attachment B to my Affidavit is a true and correct copy of the draft NPDES Permit issued by EPA for public preview and comment this spring (2006 Draft Renewed NPDES Permit). The public comment period has ended and Teck Cominco is awaiting EPA's issuance of the final permit. When the permit becomes final, it will replace the modified NPDES Permit issued in 2003.

5. Attached as Attachment C to my Affidavit is a true and correct copy of the Fact Sheet issued by EPA in conjunction with the 2006 Draft Renewed NPDES Permit. The Fact Sheet includes technical materials supporting the conditions in the 2006 Draft Renewed NPDES Permit.

6. Attached as Attachment D to my Affidavit is a true and correct copy of the Environmental Assessment issued by EPA pursuant to the requirements of the

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National Environmental Protection Act for the 2006 Draft Renewed NPDES Permit.

7. Attachment as Attachment E to my Affidavit is a true and correct copy of the Draft Certification issued by ADEC pursuant to Section 401 of the Federal Clean Water Act, 33 USC § 1341 certifying the 2006 Draft Renewed NPDES Permit complies with state water quality standards and other state applicable requirements. ADEC's 401 certification also proposed authorization of several mixing zones in conjunction with issuance of the 2006 Renewed NPDES permit.

8. There are several monitoring requirements and effluent limits in the 2006 Draft Renewed NPDES Permit that are different than those in the 1998 NPDES Permit. These include:

a. The 2006 Draft Renewed NPDES Permit does not contain any effluent limit for cyanide. As stated on page 55 of the Fact Sheet, EPA has found: "...[t]here is no reasonable potential for the effluent to exceed the applicable criteria, and no [cyanide] limit is necessary. Monitoring will remain in the permit on a weekly basis. Ambient monitoring for WAD cyanide has been added to Station 151."

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b. Monitoring and reporting of cyanide is to be based on the WAD analytical method. The 2006 Draft Renewed NPDES Permit does not require any cyanide monitoring using the total cyanide analytical method. This is consistent with the current state water quality standards which replaced the total cyanide analytical method with WAD analytical method for determining compliance with the State aquatic life standard.

c. Inclusion of a 1500 mg/L TDS limit in-stream in Main Stem Red Dog Creek during the grayling spawning period; and

d. Deletion of the 3900 mg/L effluent limit added in the 2003 modified NPDES permit. As explained on page 54 of the Fact Sheet, EPA determined that the 3900 mg/L limit was not needed.

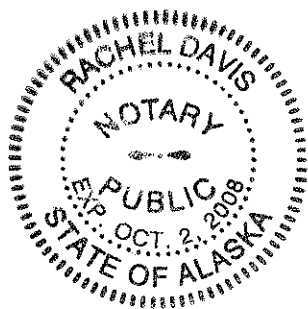
9. It is my understanding from my discussions with the persons at ADEC and EPA involved in preparing the final NPDES Permit that they are in the process of reviewing and preparing responses to public comments and that following completion of that task, the final NPDES Permit can be issued with the final state 401 Certification.


10. Attached as Attachment F to my Affidavit is a true and correct copy of the "Toxicity Reduction Evaluation Work Plan" prepared by Teck Cominco and submitted to EPA under the 1998 and 2003 modified NPDES permits.

DATED this 12<sup>th</sup> day of June, 2006.

  
Mark Thompson

Subscribed and sworn to or affirmed before me at Anchorage, Alaska, on the 12<sup>th</sup> day of June, 2006.



  
Notary Public in and for Alaska  
Third Judicial District  
Municipality of Anchorage  
My commission expires: 10/02/08

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 2006,  
a true and correct copy of the foregoing was served,  
via First Class Mail, on the below identified parties of  
record:

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Center on Race, Poverty, & the Environment  
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